

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO:)	
ALL ACTIONS)	Judge Patti B. Saris
)	
)	
)	
)	

**B. BRAUN MEDICAL INC.'S MOTION TO DISMISS THE SECOND
AMENDED MASTER CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), B. Braun Medical Inc. ("B. Braun Medical") moves to dismiss the claims brought against it in the Second Amended Master Consolidated Class Action Complaint. The grounds for this motion are set forth in detail in the accompanying Memorandum, which is filed simultaneously herewith.

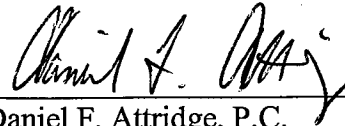
Pursuant to Local Rule 7.1(a)(2), counsel for B. Braun Medical hereby certifies that they have conferred with counsel for plaintiffs and have attempted in good faith to resolve the issues raised by B. Braun Medical's Motion to Dismiss. Counsel for plaintiffs have not consented to this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), B. Braun Medical hereby requests oral argument.

Dated: March 21, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel F. Attridge", is written over a horizontal line.

Daniel F. Attridge, P.C.

Colin R. Kass

KIRKLAND & ELLIS LLP

655 Fifteenth Street, N.W., Suite 1200

Washington, D.C. 20005

Telephone: (202) 879-5000

Facsimile: (202) 879-5200

Counsel for B. Braun Medical Inc.